

2016 Regular Session

HOUSE BILL NO. 1024

BY REPRESENTATIVE HORTON

TRANSPORTATION: Provides relative to non-hazardous oilfield wastes transporters

1 AN ACT

2 To amend and reenact R.S. 45:162(5)(a) and (12) and 163(A), relative to transporters of
3 non-hazardous oilfield wastes; to provide for definitions; to provide relative to the
4 authority of the Public Service Commission; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 45:162(5)(a) and (12) and 163(A) are hereby amended and reenacted
7 to read as follows:

8 §162. Definitions

9 The following words and phrases when used in this Chapter shall have the
10 meanings ascribed to them in this Section except where a different meaning is
11 expressly stated or clearly indicated by the context.

12 * * *

13 (5)(a) "Common carrier by motor vehicle" means any person, other than a
14 contract carrier by bus, the essential nature of whose business comprises engaging
15 in, soliciting, or accepting household goods, passengers, or waste, for intrastate
16 transportation for hire, charge, or compensation as an employment or holding
17 himself out as so available to the public generally and indiscriminately for such
18 business, whether or not the business is conducted over a regular route, between
19 fixed termini, within a defined area, or upon a regular or irregular schedule.

1 "Common carrier by motor vehicle" shall not include any person transporting non-
2 hazardous oilfield wastes by motor vehicle.

3 * * *

4 (12) "Motor carriers" include both a common carrier by motor vehicle and
5 contract carrier by motor vehicle, which transport household goods, passengers,
6 waste intrastate, or any other classification of carriers created by law which
7 transports household goods, passengers, or waste intrastate for compensation or hire.

8 "Motor carriers" shall include tow trucks. "Motor carriers" shall not include either
9 of the following:

10 (a) ~~contract~~ Contract carriers by bus; however, for purposes of R.S. 45:173
11 and 1177 only, a contract carrier by bus shall be considered a "motor carrier" subject
12 to the control and jurisdiction of the Louisiana Public Service Commission.

13 (b) Any person transporting non-hazardous oilfield wastes by motor vehicle.

14 * * *

15 §163. Powers of commission; rates; insurance policies or bonds

16 A. The commission has the power and authority necessary to supervise,
17 govern, regulate, and control motor carriers, other than a contract carrier by bus or
18 common carriers or motor carriers transporting non-hazardous oilfield wastes by
19 motor vehicle, which transport household goods, passengers, or waste intrastate and
20 to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished
21 or services rendered by such motor carriers. The commission shall prescribe rules
22 and regulations governing the operation of contract carriers in competition with
23 common carriers, and prescribe minimum rates, fares, and charges to be collected by
24 such carriers.

25 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1024 Original

2016 Regular Session

Horton

Abstract: Excludes any person transporting non-hazardous oilfield wastes by motor vehicle from the definition of "common carrier by motor vehicle" and "motor carrier" and excludes such persons from regulation by the Public Service Commission.

Present law defines "common carrier by motor vehicle" as any person, other than a contract carrier by bus, the essential nature of whose business comprises engaging in, soliciting, or accepting household goods, passengers, or waste, for intrastate transportation for hire, charge, or compensation as an employment or holding himself out as so available to the public generally and indiscriminately for such business, whether or not the business is conducted over a regular route, between fixed termini, within a defined area, or upon a regular or irregular schedule.

Proposed law excludes any person transporting non-hazardous oilfield wastes by motor vehicle from the definition of "common carrier by motor vehicle".

Present law provides that "motor carriers" include both a common carrier by motor vehicle and contract carrier by motor vehicle, which transport household goods, passengers, waste intrastate, or any other classification of carriers created by law which transports household goods, passengers, or waste intrastate for compensation or hire. "Motor carriers" shall include tow trucks. "Motor carriers" shall not include contract carriers by bus; however, for purposes of present law (R.S. 45:173 and 1177), a contract carrier by bus shall be considered a "motor carrier" subject to the control and jurisdiction of the Louisiana Public Service Commission.

Proposed law provides that the term "motor carriers" shall not include any person engaged in the business of transporting non-hazardous oilfield wastes by motor vehicle.

Present law specifies that the Public Service Commission has the power and authority necessary to supervise, govern, regulate, and control motor carriers, other than a contract carrier by bus, which transport household goods, passengers, or waste intrastate and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers.

Proposed law provides that the Public Service Commission shall not have the authority to supervise, govern, regulate, and control common carriers or motor carriers transporting non-hazardous oilfield wastes by motor vehicle.

(Amends R.S. 45:162(5)(a) and (12) and 163(A))